

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LA TORTILLERIA, INC.,)	
)	
Plaintiff,)	
)	
v.)	1:12CV408
)	
NUESTRO QUESO, LLC,)	
)	
Defendant.)	

ORDER

This matter is before this court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on March 31, 2014, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 27.) In the Recommendation, the Magistrate Judge recommends that the Defendant's Motion to Dismiss Amended Complaint for failure to state a claim (Doc. 19) be denied.

The Recommendation was served on the parties to this action on March 31, 2014. Defendant's counsel filed objections (Doc. 29) to the Recommendation, and Plaintiff's counsel filed a Response (Doc. 30) to Defendant's objections.

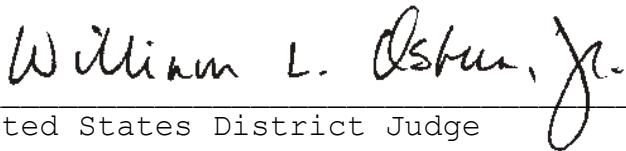
This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made."

28 U.S.C. § 636(b)(1). This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions.” Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge’s Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Recommendation (Doc. 27) is **ADOPTED**. **IT IS FURTHER ORDERED** that Defendant’s Motion to Dismiss (Doc. 19) is **DENIED**.

This the 11th day of July, 2014.


United States District Judge